

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHRIM BANK

Plaintiffs,

v.

PEARL BAY SEAFOODS, LLC, JOSEPH
MARTUSHEV, MIRON I BASARGIN,
ALEXANDER I. KALUGIN, NIKOLAI
IGNATIEVICH BASARGIN, and
IOASOPH MARTUSHEV, *in personam*; and
the Vessel GLACIER BAY, Official Number
600325, *in rem*,

Defendants.

PORT OF SEATTLE,

Intervenor-Plaintiff

v.

PEARL BAY SEAFOODS, LLC, and
GLACIER BAY, Official Number 600325, *in*
rem,

Complaint in Intervention
Defendants

IN ADMIRALTY

Case No. 2:23-cv-01042-RSM

**ORDER GRANTING MOTION TO
RELEASE THE VESSEL GLACIER BAY
FROM ARREST AND SUPPLEMENT
FINAL ACCOUNTING; DISMISSING
CLAIMS AGAINST IOASOPH
MARTUSHEV AND JOSEPH
MARTUSHEV WITH PREJUDICE AND
RELEASING SECURITY**

{30010-01081240;1}

ORDER - Case No. 2:23-cv-01042-RSM
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1 THIS MATTER CAME BEFORE THIS COURT on Plaintiff's Motion Seeking
2 Release of the vessel GLACIER BAY, Official Number 600325 from arrest by the United
3 States Marshal and the custody of the substitute custodian, Marine Lenders, and approval of
4 the Supplemental Final Accounting (the "Motion") concerning the judicial sale of the
5 GLACIER BAY, the Non-Opposition of Intervenor-Plaintiff the Port of Seattle, and the
6 Stipulation of Plaintiff and Defendants Joseph Martushev and Ioasoph Martushev filed
7 September 18, 2024, upon consideration of the Motion FINDS:

8 THAT pursuant to this Court's Order of March 6, 2024 (Dkt. #67) the GLACIER BAY,
9 Coast Guard Official Number 600325 ("GLACIER BAY") was sold by the United States
10 Marshal on May 29, 2020 at a judicial sale (Dkt. #70) to Plaintiff Northrim Bank ("Northrim")
11 for a Credit Bid in the amount of \$ 641,404.40.

12 THAT on June 3, 2024, Northrim filed an Accounting with this Court (Dkts. #71, #72,
13 #73) of the attorneys' fees and other expenses in custodia legis.

14 THAT the Northrim Accounting contained in this Motion requests that the Court
15 approve certain supplementations to the final accounting previously filed to address expenses
16 incurred *in custodia legis* between the date of sale and the date the Bill of Sale and Marshal's
17 Final Exact Accounting was final on August 27, 2024.

18 THAT this Court hereby approves of the supplementation to the Final Accounting, Dkt.
19 #71, and adjusts Plaintiff Northrim Bank's Preferred Ship Lien to \$694,498.59.

20 THAT all claims asserted or assertable by Plaintiff against Defendants Joseph
21 Martushev and Ioasoph Martushev are dismissed with prejudice, without award of fees or costs
22 to either party.
23

1 THAT Plaintiff Northrim Bank releases any assignment, and claims against, the Life
2 Insurance Policies dated June 8, 2020, that are identified as security in the Commercial
3 Promissory Note (Dkt. # 53-2) at pp. 3 & 43.

4 IT IS THEREFORE ORDERED AND ADJUDGED that the GLACIER BAY, Coast
5 Guard Official Number 600325, which was sold by a judicial sale conducted by the U.S.
6 Marshal on May 29, 2024 to Northrim Bank on a credit bid of \$641,404.04 shall be and is
7 hereby immediately released from arrest and the custody of the U.S. Marshal and the substitute
8 custodian, Marine Lenders.

9 IT IS FURTHER ORDERED AND ADJUDGED that any and all liens that may have
10 existed before the judicial sale on May 29, 2024 are hereby fully and finally extinguished
11 consistent with Title 46 U.S.C. § 31326(a) and that full clean and marketable title in the
12 GLACIER BAY is hereby vested in Northrim Bank.

13 IT IS FURTHER ORDERED AND ADJUDGED THAT Northrim's Supplemental
14 Final Accounting is approved in the amount of \$694,498.59.

15 IT IS FURTHER ORDERED AND ADJUDGED THAT all claims asserted, or
16 assertable, by Northrim against Defendants Ioasoph Martushev and Jospheh Martushev are
17 dismissed with prejudice and without fees or costs to either party.

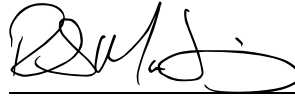
18 IT IS FURTHER ORDERED AND ADJUDGED that the assignment of the Life
19 Insurance Policies dated June 8, 2020 that are identified as security in the Commercial
20 Promissory Note (Dkt. #53-2) at pp. 3 & 42 is hereby extinguished and released and no action
21 shall be taken by Northrim on or against said Life Insurance Policies.

22 //

23 //

{30010-01081240;1}

1 DATED this 24th day of September, 2024.

2
3 

4 RICARDO S. MARTINEZ
5 UNITED STATES DISTRICT JUDGE
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7
8

9 Presented by:

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Attorney for Defendants Joseph Martushev
And Ioasoph Martushev

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury under the laws of the State of Washington that on September 18, 2024, I caused to be served a true and correct copy of the foregoing document to be delivered via the Court's ECF System, on all counsel of record unless otherwise indicated below:

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I certify under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct this 18th day of September 2024.

s/ Sheila Baskins

Sheila Baskins, Legal Assistant
Signed at Seattle, Washington